

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:17-cv-118-MOC  
(5:13-cr-53-MOC-DCK-3)**

**DANIEL LEE FOSTER,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

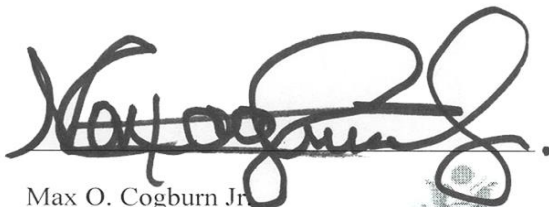
**ORDER**

**THIS MATTER** is before the Court on its own motion following Petitioner's failure to submit his motion to vacate signed under penalty of perjury in accordance with this Court's two prior orders, entered on September 21, 2017, and November 30, 2017. (Doc. Nos. 2, 3). The Court noted in each of its prior orders that the petition has not been signed under penalty of perjury, and the Court gave Petitioner additional time in which to resubmit the petition signed under penalty of perjury. The Court specifically warned Petitioner in both orders that if Petitioner failed to do so, the petition would be subject to dismissal without further notice.

Petitioner has not resubmitted his petition in accordance with this Court's prior orders, and the time to do so has passed.

**IT IS, THEREFORE, ORDERED** that the petition is **HEREBY DISMISSED** without prejudice to Petitioner.

Signed: December 27, 2017

  
Max O. Cogburn Jr.  
United States District Judge